

REMARKS

The Office Action of June 19, 2006 as been reviewed and carefully considered.

Independent claim 7 has been amended, and claim 4 has been cancelled. Claims 1 to 3, 5 to 7 and 9 to 13 are pending with claims 2, 3 and 9 to 12 having previously been withdrawn from consideration.

Reconsideration of the above-identified application, as herein amended, is respectfully requested.

In the Office Action, the Examiner has objected to the drawings under 37 CFR §1.83(a), has rejected claim 4 as indefinite under 35 USC §112, second paragraph, has rejected claim 7 under 35 USC §102(e) as anticipated by Juestel et al., and has rejected claims 1, 5, 6 and 13 under 35 USC §103(a) as unpatentable over Juestel et al. Claim 4 has been indicated as allowable if rewritten in independent form.

Objection to the Drawings

The Examiner has objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. The Examiner states that “the first coating (as recited claim 1) and second coating (as recited claim 13) must be shown.”

Claim 1 depends from independent claim 7, and claim 13 depends from claim 1. Claim 7 recites that the light emitting device includes “a luminescent material which converts the light from the light sources at least partially into longer-wave radiation, the luminescent material being formed by particles which are coated by a coating layer”. Claim 1 further states that “the coating layer has a thickness of at most 5 nm.”, and claim 13 further states that “the coating layer has a thickness of less than or equal to 3 nm.”

Thus, the recitation of a "coating layer" in each of claims 1 and 13 refers to the *same* coating layer which is recited in independent claim 7, not (as the Examiner states in the Office Action) to a "first coating" and a "second coating".

Moreover, the coating layer recited in claims 1 and 13 is in fact shown in the drawings and identified in the application specification.

In particular, and with specific reference to Fig. 1 of the drawings, the specification states that:

"The recess 9 is filled with a potting compound 5, which contains an epoxy casting resin (80 to 90% by weight) and luminescent pigments 6 (less than 15% by weight) as its main constituents. ... The luminescent pigments are a mixture of several pigments, for example garnets." (Paragraph 20, lines 6 to 10).

Thus, the claimed "coating layer of claims 1 and 13 -- which, as recited in independent claim 7, defines the "luminescent material" of the claimed light-emitting device -- is depicted in Fig. 1 by the potting compound 5 which fills recess 9.

The application specification further states, with respect to Fig. 2, that:

"The conversion into white light is carried out by means of conversion layers which lie directly in the casting resin of the individual LED, in a similar way to that described in Figure 1, or layers 25 which are applied on all the faces accessible to the UV radiation." (Paragraph 21, lines 5-8).

Thus, in Fig. 2 the "coating layer" of claims 1 and 13 is depicted and identified by reference numeral 25.

Inasmuch as the claimed "coating layer" is therefore adequately shown in the drawings, it is believed that no corrected drawings sheets are required, and withdrawal of the 37 CFR 1.83(a) objection to the drawings is solicited.

Rejection of claim 4 under 35 USC §112, second paragraph

The Examiner has objected under 35 USC §112, second paragraph, to use of the phrase “in particular of the type...” at several instances in claim 4. In response to this objection, two instances of the phrase “, in particular” have been eliminated from the recitation of now-cancelled claim 4 as now incorporated into independent claim 7, as discussed below.

Withdrawal of the 35 U.S.C. §112, second paragraph objection with respect to this claim language is accordingly deemed appropriate.

Amendments to the Claims

In the Office Action, the Examiner has indicated the allowability of dependent claim 4 when rewritten in independent form. The entire recitation of claim 4 has now been added to independent claim 7, from which it previously depended. Claim 4 is accordingly now believed to be in condition for immediate allowance.

Dependent claim 1, which depends from now-amended independent claim 7, is deemed allowable inasmuch as it depends from an allowable claim. Similarly, claims 5, 6 and 13, each of which depends from claim 1, is likewise deemed allowable as depending from allowable claim 1.

Dependent claims 9 to 12, each of which depends from claim 7 and which were previously withdrawn from consideration, each further defines the recited radiation source of the light-emitting device of claim 7. As such, each should now be considered and allowed in conjunction with allowable independent claim 7.

No discussion of the cited and applied art is believed to be necessary at this time.

Conclusion:

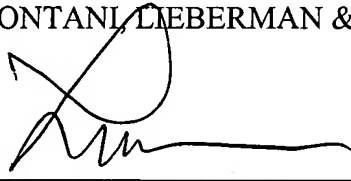
In view of the foregoing, reconsideration and allowance of claims 1, 5 to 7 and 9 to 13, and early issuance of a Notice of Allowance, are once more solicited.

In the event that any fees or charges are required at this time in connection with this application, the same may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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